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16 **UNITED STATES DISTRICT COURT**

17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 Elaine L. Chao, Secretary of Labor,
19 United States Department of Labor,

20 Plaintiff,

21 vs.

22 Local 6434, United Long-Term Care
23 Workers' Union, Service Employees
24 International Union,

25 Defendants.

26 Case No.: CV 08-6838 PSG (JWJx)

27 **STIPULATION REGARDING**
28 **SETTLEMENT AND REQUEST**
FOR THE COURT TO RETAIN
JURISDICTION AND TO VACATE
TRIAL DATE AND PRETRIAL
DATES

[PROPOSED] Order Lodged
Concurrently Herewith

Trial Date: November 18, 2009

- 1 1. On October 17, 2008, plaintiff, the Secretary of Labor, United States
2 Department of Labor (hereinafter, the "Secretary") filed this lawsuit
3 requesting a judgment declaring the April 28, 2008 election of union officers
4 conducted by defendant Local 6434, United Long-Term Care Workers'
5 Union, Service Employees International Union ("Local 6434") null and
6 void, and directing Local 6434 to conduct a new election and new
7 nomination for those offices under the supervision of the Secretary.
- 8 2. The parties have reached a final settlement of this action. Local 6434 has
9 agreed to conduct a new election of union officers under the supervision of
10 the Secretary to be completed no later than March 31, 2010.
- 11 3. The trial date is currently November 18, 2009.
- 12 4. In light of this settlement, the parties hereby stipulate and request that (1) the
13 Court retain jurisdiction of this action to certify the supervised election; and
14 (2) vacate the trial date and pretrial dates.

15
16 IT IS SO STIPULATED that:

- 17 (1) The parties request that the Court retain jurisdiction of this action. After the
18 completion of the supervised election, the Secretary shall certify to the Court
19 the names of the persons so elected, that such election was conducted in
20 accordance with Title IV of the Labor-Management Reporting and
21 Disclosure Act of 1959 ("LMRDA"), and, insofar as lawful and practicable,
22 that the election was conducted in accordance with the provisions of the
23 Constitution and Bylaws of Local 6434, and the Constitution and Bylaws of
24 SEIU. Upon approval of such certification by the Court, the Court shall
25 enter judgment declaring that such persons have been elected as shown by
26 such certification, pursuant to 29 U.S.C. § 482(c)(2) of the LMRDA.
- 27 (2) By entering into a stipulation of settlement, the parties have resolved the
28 controversy between them, and the only issue remaining is certification of

1 the supervised election as provided for in the paragraph above. The parties,
2 therefore, request that the Court vacate the November 18, 2009, trial date,
3 and any pretrial filings and procedures associated with the trial.
4

5 Dated: November 3, 2009.

6 Respectfully Submitted,

7 GEORGE S. CARDONA
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11 Chief, Civil Division

12 /s/ Chung H. Han

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18 /s/ Linda Lye

19 LINDA LYE

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